

House Conservation & Environment Committee Amendment No. 1

Amendment No. 1 to HB1300

Buck
Signature of Sponsor

AMEND Senate Bill No. 1365*

House Bill No. 1300

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 4, is amended by adding a new section thereto, as follows:

Section 68-221-420.

(a) Notwithstanding any provision of the law to the contrary, no county government official in any county with a metropolitan form of government and a population of more than five hundred thousand (500,000) according to the 2000 federal census or any subsequent census, shall deny the issuance of a subsurface sewage disposal system permit to a homeowner for the building, rebuilding, remodeling, or otherwise altering of any house or establishment, mobile or permanent, if:

(1) The altered house or establishment that utilizes a pre-existing subsurface sewage disposal system or will utilize a new subsurface sewage disposal system is owned by the same owner, or:

(A) An ancestor of such owner;

(B) The spouse or former spouse of such owner;

(C) A lineal descendent of such owner, of such owner's spouse or former spouse, or of a parent of such owner; or

(D) The spouse of any lineal descendent of such owner described in subdivision (a)(1)(C) of this section;

(2) The owner, or person described in subdivisions (a)(1)(A)-(a)(1)(D) of this section, has no actual knowledge of any defect with any existing subsurface sewage disposal system or any failure of such system;

(3) The property upon which the house or establishment is to be built, rebuilt, remodeled or otherwise altered is more than fourteen (14) acres in size;

(4) A pre-existing subsurface sewage disposal system is not altered, extended or repaired in any manner other than being connected to the newly constructed house or establishment or the rebuilt, remodeled or otherwise altered house or establishment;

(5) The construction, rebuilding, remodeling, or other alteration of the house or establishment is not in connection with a sale of the property; and

(6) The property owner who applied and obtained the permit or license signs a sworn statement certifying compliance with this section.

(b) Prior to the sale of such house or establishment, the owner shall disclose on the residential property disclosure statement required pursuant to title 66, chapter 5, part 2, that a subsurface sewage disposal system permit was issued pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 68-221-420, shall cease to be effective on June 30, 2009, and on such date, the permits authorized by such section shall no longer be issued.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.